

ACCEPTS and ADOPTS the report and recommendation pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b). Accordingly, the defendant's motion for summary judgment [Doc. No. 20] is **GRANTED** pursuant to Fed. R. Civ. P. 56. The plaintiff's motion for summary judgment [Doc. No. 15] is **DENIED**. The administrative decision of the Commissioner of Social Security is **AFFIRMED**. The plaintiff's complaint will be **DISMISSED WITH PREJUDICE** with each party to bear their own costs of this action.

The Clerk of Court is **DIRECTED** to enter a final judgment in accordance with this memorandum and order. The Clerk of Court shall close the record in this case.

SO ORDERED.

ENTER this the 8th day of January, 2009.

/s/ R. Allan Edgar
R. ALLAN EDGAR
UNITED STATES DISTRICT JUDGE